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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 05-0533 SI
)	
Plaintiff,)	STIPULATION AND [PROPOSED]
)	ORDER EXCLUDING TIME FROM
v.)	NOVEMBER 18, 2005 THROUGH
)	DECEMBER 19, 2005 FROM
JOHN ANTHONY MOSLEY,)	CALCULATIONS UNDER THE
)	SPEEDY TRIAL ACT (18 U.S.C. § 3161)
Defendant.)	
)	

On November 18, 2005, the parties appeared for status before this Court on the Superseding Indictment. The defendant was personally present. Elizabeth Falk, Assistant Federal Public Defender, appeared on behalf of the defendant. The United States was represented by Assistant United States Attorney Gregg W. Lowder.

The Court continued the matter until December 19, 2005 @ 11:00 a.m. for change of plea/setting of trial.

The parties agree and seek to exclude time from calculations under the Speedy Trial Act, 18 U.S.C. § 3161, from November 18, 2005 through December 19, 2005 to allow time to effectively prepare the defense of this case and to ensure continuity of counsel. The parties, including the defendant, request the Court to find and order that the time from November 18, 2005 through December 19, 2005 be excluded from calculations under the Speedy Trial Act, 18

Order re Speedy Trial Exclusion of Time
 CR 05-0533 SI

1 U.S.C. § 3161, for the following reasons:

2 1. The attorney for the defendant requests the Court order time excluded time under the
3 Speedy Trial Act in order to allow time to effectively prepare in light of the recently
4 returned superseding indictment in order to investigate the validity, and applicability
5 under the sentencing guidelines, of the defendant's identified prior convictions, and to
6 ensure continuity of counsel, in light of the unavailability of defense counsel from
7 December 5 through December 9, 2005 due to defense counsel being in jury trial, and to
8 permit time to prepare in light of the time spent preparing for and trying that jury trial.

9 The attorney for the defendant believes an exclusion of time from calculations under the
10 Speedy Trial Act is necessary to allow the defense to effectively prepare this case and to
11 ensure continuity of counsel for the defendant, further believes an exclusion is in the
12 defendant's best interests and is with the defendant's consent, and agrees that the
13 exclusion of time from November 18, 2005 through December 19, 2005 is appropriate
14 under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(B)(iv);

15 2. The defendant joins in the request to exclude time from November 18, 2005 through
16 December 19, 2005 for the reasons stated above; and

17 2. The attorney for the government also agrees that the exclusion of time under the
18 Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(B)(iv) from November 18, 2005 through
19 December 19, 2005 is appropriate and necessary for the reasons stated above.

20 Given these circumstances, the Court orders a status conference on December 19, 2005 at
21 11:00 a.m., and finds and orders that the ends of justice served by excluding from calculations
22 the period from November 18, 2005 through December 19, 2005 outweigh the best interests of
23 the public and the defendant in a speedy trial, pursuant to the Speedy Trial Act, 18 U.S.C. §

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3161(h)(8)(B)(iv), and the time from November 18, 2005 through December 19, 2005 is excluded from calculations under the Speedy Trial Act, 18 U.S.C. § 3161.

SO STIPULATED:

DATED: November 29, 2005

/s/
ELIZABETH FALK
Attorney for Defendant

DATED: November 21, 2005

/s/
GREGG W. LOWDER
Assistant United States Attorney

IT IS SO ORDERED.

DATED: _____

